

Message Text

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC PRIORITY 4816

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 4114

E.O. 11652: GDS

TAGS: SHUM, EC

SUBJECT: HUMAN RIGHTS EVALUATION REPORT

REF: STATE 140421

BELOW FOLLOWS HUMAN RIGHTS EVALUATION REPORT FOR ECUADOR.

A. CONDITON OF HUMAN RIGHTS IN ECUADOR.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING
FREEDOM FROM:

A. TORTURE - THERE HAVE BEEN NO KNOWN OR REPORTED CASES OF
TORTURE IN ECUADOR.

B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT - THERE HAVE BEEN
NO KNOWN OR REPORTED CASES OF CRUEL, INHUMAN OR DEGRADING
PUNISHMENT IN ECUADOR.

C. ARBITRARY ARREST OR IMPRISONMENT - THERE HAVE BEEN, IN
THE PAST SEVERAL YEARS, SEVERAL CASES OF ARBITRARY ARREST
AND IMPRISONMENT BECAUSE OF ANTI-GOVERNMENT CRITICISM OR
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ALLEGED PLOTTING. THERE HAVE BEEN THREE NOTABLE CASES DURING
THE TENURE OF THIS GOVERNMENT (BEGINNING JANUARY 1976.)
THE FIRST INVOLVED THE ARREST AND TEMPORARY DETENTION OF
A MEETING OF FOREIGN AND ECUADOREAN CATHOLIC PRIESTS IN
RIOBAMBA ON AUGUST 12, 1976, ON SUSPICION OF SUBVERSION.
THERE WERE NO CHARGES MADE AND ALL ARRESTEES WERE
RELEASED AFTER BEING HELD TWO DAYS. FOREIGN PARTICIPANTS

OF THE MEETING WERE "INVITED" TO LEAVE THE COUNTRY BUT NOT FORMALLY DEPORTED. THE SECOND CASE INVOLVED THE SEPTEMBER 1976 ARREST OF POLITICIAN ABDON CALDERON FOR QUESTIONING THE PROBITY OF THEN MINISTER OF NATURAL RESOURCES COL. RENE VARGAS. CALDERON WAS HELD FOR 20 DAYS AND THEN RELEASED FOLLOWING A DEBATE WITH VARGAS ON THE ISSUES. THE LAST CASE INVOLVED THE GOVERNMENT'S ARREST OF 28 PEOPLE NOVEMBER 27, 1976, FOR PARTICIPATING IN A CLANDESTINE POLITICAL MEETING AND PLOTTING THE OVERTHROW OF THE GOVERNMENT. ALL WERE RELEASED UNCONDITIONALLY FOLLOWING A DECEMBER 24 GENERAL AMNESTY.

D. DENIAL OF FAIR PUBLIC TRIAL - THE EMBASSY KNOWS OF NO CASES OF A DENIAL OF A FAIR PUBLIC TRIAL UNDER THIS GOVERNMENT.

E. INVASION OF THE HOME - THE ONLY INCIDENTS OF INVASION OF THE HOME KNOWN TO THE EMBASSY INVOLVE CASES IN WHICH SUCH ACTS FOLLOWED THE ISSUANCE OF ARREST ORDERS UNDER ECUADOREAN LEGAL PROCEDURES.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES:

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - THESE LIBERTIES ARE FULLY ENJOYED BY ECUADOREANS AND FOREIGNERS LIVING IN ECUADOR. THERE ARE NO ATTEMPTS AT THOUGHT CONFIDENTIAL

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CONTROL AND THERE IS NO ESTABLISHED RELIGION. FOREIGN MISSIONARIES OPERATE FREELY HERE. THERE ARE CURRENTLY RESTRICTIONS ON STREET DEMONSTRATIONS WITHOUT PRIOR GOVERNMENT CONSENT THOUGH SUCH CONSENT IS GENERALLY GIVEN FOR NON-POLITICAL ACTS BUT WITHHELD FROM EVENTS WHICH HAVE A POTENTIAL FOR PUBLIC DISORDER. THOSE WHO CHALLENGE THESE GUIDELINES HAVE BEEN DEALT WITH STIFFLY, BUT NOT SEVERELY OR BRUTALLY BY POLICE. THERE ARE NO RESTRICIONS ON INDOOR MEETINGS AND MOST POLITICAL RALLIES ARE NOW HELD IN LARGE BUILDINGS SUCH AS THEATERS AND SPORTS ARENAS.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND EMIGRATION POLICIES - THERE ARE NO INTERNAL OR EXTERNAL TRAVEL RESTRICTIONS AND ECUADOREANS EMIGRATE FREELY.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESSES - ECUADOR IS CURRENTLY GOVERNED BY A MILITARY JUNTA. THERE ARE NO ELECTIONS AND LEGISLATION IS BY DECREE. HOWEVER, THE GOVERNMENT IS CURRENTLY CARRYING OUT A STEP-BY-STEP

PLAN TO SUBMIT NEW CONSTITUTIONS TO A NATIONAL REFERENDUM AND DELIVER POWER TO A CIVILIAN, POPULARLY ELECTED GOVERNMENT WITHIN A YEAR. THUS, THE GOE IS THE ONLY MILITARY GOVERNMENT IN LATIN AMERICA THAT IS CURRENTLY INVOLVED IN CONDUCTING A VOLUNTARY RETURN TO CONSTITUTIONAL GOVERNMENT WITHIN A SPECIFIED TIME FRAME.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION.

A. POLICIES AFFECTING THE POOR - THE GOE HAS TAKEN STEPS TO CONTROL THE PRICES OF BASIC FOODSTUFFS, TO CONSTRUCT CONSIDERABLE QUANTITIES OF LOW-COST HOUSING, CONFIDENTIAL

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TO EXPAND THE NUMBERS OF INDIVIDUALS WHO PARTICIPATE IN THE SOCIAL SECURITY INSTITUTE (INCLUDES HEALTH CARE) AND TO EXPAND THE NUMBERS OF TEACHERS AND CLASS-ROOMS. EDUCATION RECEIVES A FIXED PERCENTAGE OF PETROLEUM REVENUES. GAINS IN THESE AREAS ARE OBVIOUSLY LIMITED BECAUSE OF SCARCE RESOURCES BUT GOE POLICY IS POSITIVE. THE GOE CAN PERHAPS BE FAULTED FOR FAILURE TO CARRY THROUGH AN INTEGRAL AGRARIAN REFORM POLICY. LABOR LEGISLATION, ON THE OTHER HAND, IS VERY LIBERAL AND GENERALLY FAVORS WORKERS OVER EMPLOYERS.

B. CORRUPTION - CORRUPTION IS A PROBLEM OF SIGNIFICANT PROPORTIONS IN ECUADOR BUT IT IS OF THE MORE TRADITIONAL VARIETY IN WHICH BRIBES ARE OFTEN USEFUL IN GETTING THE WHEELS OF THE BUREAUCRACY TO MOVE MORE QUICKLY. WE DO NOT HAVE EVIDENCE THAT CORRUPTION SIGNIFICANTLY DIVERTS RESOURCES TOWARD THE NATION'S ELITE AT THE EXPENSE OF THE POORER CLASSES.

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INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 2 OF 2 QUITO 4114

4. GOVERNMENT RESPONSIBILITY FOR HUMAN RIGHTS RECORD -
THE GOE'S GOOD RECORD ON HUMAN RIGHTS IS LARGELY AN
OUTGROWTH OF ECUADOR'S POLITICAL CULTURE IN WHICH
RESPECT FOR DEMOCRATIC PROCESSES AND INDIVIDUAL
RIGHTS IS A VITAL PART, EVEN DURING THOSE PERIODS WHEN
THE COUNTRY IS RULED BY A MILITARY GOVERNMENT. (MORE
ABUSES HAVE TRADITIONALLY BEEN COMMITTED BY CIVILIAN
THAN BY MILITARY GOVERNMENTS.) HOWEVER, THE GOVERNMENT
DOES HAVE CERTAIN RESPONSIBILITY AND DESERVES CERTAIN
CREDIT. THIS GOVERNMENT'S HUMAN RIGHTS RECORD, FOR
INSTANCE, IS SUPERIOR THAN THAT OF ITS IMMEDIATE
PREDECESSOR WHICH LIBERALLY PRACTICED INTERNAL AND
EXTERNAL EXILE.

SUPPORT FOR HUMAN RIGHTS IS AN
IMPORTANT PART OF ITS PUBLIC RHETORIC AND PARTICULARLY
IMPORTANT IN ITS PARTICIPATION IN INTERNATIONAL
ORGANIZATIONS. ALSO, PERHAPS MOST NOTEWORTHY, IS THE
GOE'S VOLUNTARY INITIATION OF A PROCESS WHICH IS
INTENDED TO RETURN ECUADOR TO CIVILIAN, CONSTITUTIONAL
RULE. THERE HAVE BEEN BUT TWO OCCASIONS IN THE TENURE
OF THIS GOVERNMENT IN WHICH INTERNAL SECURITY WAS USED
TO EXCUSE DETENTIONS OF QUESTIONABLE LEGALITY.
IN BOTH THESE CASES THE DETAINEES WERE QUICKLY
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RELEASED WITHOUT SUFFERING OTHER LEGAL CONSEQUENCES OR
PENALTIES.

L . ANALYSIS AND RECOMMENDATIONS

1. SINCE THE GOE'S RECORD ON ITEMS A1, 2, AND 3 IS
ALREADY EXCELLENT, WE CAN SEE NO OTHER ROLE FOR THE
UNITED STATES THAN THAT OF CONTINUING TO COMPLIMENT
THE GOE FOR BEING AN EXCEPTION TO THE NORM OF MILITARY
GOVERNMENTS AND TO ENCOURAGE THEM TO MAINTAIN THEIR
ALREADY EXCELLENT RECORD. SPECIFICALLY, THE USG CAN
PUBLICLY COMPLIMENT THE GOE ON ITS STEPS TAKEN TO
RETURN ECUADOR TO CONSTITUTIONAL GOVERNMENT (SUCH AS
WAS DONE BY MRS. CARTER) AND THROUGH QUIET DIPLOMACY
LET

THE GOE KNOW THAT THE USG SUPPORTS ITS EFFORTS TO RETURN ECUADOR TO CIVILIAN RULE. WE BELIEVE THAT SUCH US IDENTIFICATION WITH THE RETURN TO CONSTITUTIONAL GOVERNMENT WILL HAVE A POSITIVE IMPACT ON THE POSSIBILITIES THAT THE PLAN WILL ACTUALLY BE CARRIED THROUGH. WE ALSO BELIEVE THAT GREATER USG RESPONSES TO GOE SECURITY NEEDS WILL INCREASE OUR INFLUENCE WITH THE GOE ON THE RETURN TO CIVILIAN GOVERNMENT AS WELL AS ON INCREASING GOE SUPPORT FOR OUR INTERNATIONAL HUMAN RIGHTS EFFORTS.

2. LOCAL REACTIONS TO USG HUMAN RIGHTS INITIATIVES HAVE, ON THE WHOLE, BEEN POSITIVE BECAUSE OF THE RESPECT FOR HUMAN RIGHTS THAT EXISTS IN ECUADOR. NOW, HOWEVER, BECAUSE OF ECUADOR'S AFFINITY FOR OTHER LATIN AMERICAN NATIONS THERE IS AN OFT-EXPRESSED FEELING IN BUSINESS AND CONSERVATIVE CIRCLES THAT THE US IS TRYING TO BECOME OWNER OF THE ISSUE AND IS GIVING IT TOO GREAT

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AN EMPHASIS. THE GOVERNMENT HAS BEEN CAUTIOUS IN APPROVING OUR POLICY AND WOULD PREFER GREATER HUMAN RIGHTS EMPHASIS IN MULTILATERAL FORA RATHER THAN SUCH EMPHASIS IN US-THIRD COUNTRY BILATERAL RELATIONS. MANY IN THESE GROUPS FEAR THAT THE US HAS GONE TOO FAR ON ITS MORAL CRUSADE AND THAT OUR INSISTENCE ON THE OBSERVANCE OF OUR LEVEL OF HUMAN RIGHTS BY OTHER COUNTRIES MIGHT APPROACH INTERVENTION IN INTERNAL AFFAIRS. ON THE OTHER HAND, ECUADOREAN POLITICANS AND INTELLECTUALS BASED IN THE LIBERAL TRADITION WARMLY APPLAUD US HUMAN RIGHTS INITIATIVES. PREDICTABLY, MARXISTS LIKE OUR POLICY WHEN DIRECTED TOWARD COUNTRIES SUCH AS URUGUAY AND CHILE, BUT ARE LESS ENTHUSIASTIC ABOUT THE CRITICISM OF HUMAN RIGHTS PRACTICES IN COUNTRIES SUCH AS CUBA AND THE SOVIET UNION.

3. THE DOMESTIC ATTITUDE ON HUMAN RIGHTS AUGURS WELL FOR THE CONTINUATION OF THE CURRENT HEALTHY HUMAN RIGHTS CLIMATE IN ECUADOR.

4B. ECUADOR WILL LIKELY CONTINUE TO SUPPORT USG HUMAN RIGHTS EFFORTS SO LONG AS THEY CAN BE CONSTRUED AS GENERAL SUPPORT OF PRINCIPLES AND NOT INTERVENTION IN INTERNAL AFFAIRS. IN THE OAS, FOR EXAMPLE, ECUADOR HAS AT TIMES EVEN GONE BEYOND THE US POSITIONS ON SUCH QUESTIONS AS HUMAN RIGHTS IN CHILE. HOWEVER, BECAUSE OF PERCEIVED THREATS TO ECUADOREAN SECURITY ON THE PART OF PERU, ECUADOR'S PARTICIPATION IN SPECIFIC ANTI-CHILE MEASURES HAS BEEN PURPOSELY COOLED. IF THE

UNITED STATES COULD BE MORE FORTHCOMING IN HELPING
ECUADOR SOLVE WHAT IT REGARDS AS A CRITICAL LACK OF
DEFENSIVE MILITARY CAPACITY, THE GOE COULD REATIONALIZE ITS
ABANDONMENT OF CHILE AND ECUADOR'S SUPPORT OF US
HUMAN RIGHTS EFFORTS COULD LIKELY BE MADE MORE
ENTHUSIASTIC.
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